

House Bill 556

By: Representatives Benton of the 31st, Stephens of the 164th, Parrish of the 156th, and Carter of the 159th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to require prescriptions for controlled substances and dangerous drugs to have the practitioner's name printed below the practitioner's signature on such prescriptions; to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to require a practitioner to have the practitioner's name printed below his or her signature; to change certain provisions relating to requirements for transmitting prescriptions electronically or via facsimile; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended in Code Section 16-13-41, relating to prescriptions, by revising subsections (b) and (c) and paragraph (2) of subsection (d) as follows:

"(b) When a practitioner writes a prescription drug order to cause the dispensing of a Schedule II substance, he or she shall include the name and address of the person for whom it is prescribed, the kind and quantity of such Schedule II controlled substance, the directions for taking, the signature, and the name, address, telephone number, and DEA registration number of the prescribing practitioner. Such ~~prescriptions~~ prescription shall be signed and dated by the practitioner on the date when issued, the printed name of the practitioner shall be printed below the practitioner's signature, and the nature of such ~~signatures~~ signature shall be defined in regulations promulgated by the State Board of Pharmacy. Prescription drug orders for Schedule II controlled substances may be transmitted via facsimile machine or other electronic means only in accordance with

1 regulations promulgated by the State Board of Pharmacy in accordance with Code Section
2 26-4-80 or 26-4-80.1, or in accordance with DEA regulations at 21 C.F.R. 1306.

3 (c) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule
4 II drugs may be dispensed upon oral prescription of a registered practitioner, reduced
5 promptly to writing, including the printed name of the practitioner which shall appear
6 below the signature of the practitioner, and filed by the pharmacy. Prescriptions shall be
7 retained in conformity with the requirements of Code Section 16-13-39. No prescription
8 for a Schedule II substance may be refilled."

9 "(2) When a practitioner writes a prescription drug order to cause the dispensing of a
10 Schedule III, IV, or V controlled substance, he or she shall include the name and address
11 of the person for whom it is prescribed, the kind and quantity of such controlled
12 substance, the directions for taking, the signature, and the name, address, telephone
13 number, and DEA registration number of the practitioner. Such ~~prescriptions~~ prescription
14 shall be signed and dated ~~or may be issued orally~~ by the practitioner on the date when
15 issued or may be issued orally, the printed name of the practitioner shall be printed below
16 the practitioner's signature, and the nature of the signature of the prescriber shall meet
17 the guidelines set forth in Chapter 4 of Title 26, the regulations promulgated by the State
18 Board of Pharmacy, or both such guidelines and regulations."

19 SECTION 2.

20 Said article is further amended in Code Section 16-13-74, relating to written prescriptions
21 for dangerous drugs, the content, and signature, by revising subsection (a) as follows:

22 "(a) All written prescription drug orders for dangerous drugs shall be dated as of, and be
23 signed on, the date when issued and shall bear the name and address of the patient, together
24 with the name and strength of the drug, the quantity to be dispensed, complete directions
25 for administration, the printed name, address, and telephone number of the practitioner, and
26 the number of permitted refills. The printed name of the practitioner shall be printed below
27 the practitioner's signature. A prescription drug order for a dangerous drug is not required
28 to bear the DEA permit number of the prescribing practitioner. A prescription drug order
29 for a dangerous drug may be prepared by the practitioner or the practitioner's agent. The
30 practitioner's signature must appear on each prescription prepared by the practitioner or the
31 practitioner's agent and the nature of the practitioner's signature must appear above the
32 printed name of the practitioner and meet the guidelines set forth in Chapter 4 of Title 26,
33 the regulations promulgated by the State Board of Pharmacy, or both such guidelines and
34 regulations. Any practitioner who shall dispense dangerous drugs shall comply with the
35 provisions of Code Section 16-13-73."

SECTION 3.

Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, is amended by revising subsection (b) and subparagraph (c)(2)(G) as follows:

"(b) Prescription drugs shall be dispensed only pursuant to a valid prescription drug order. All written prescription drug orders shall have the name of the practitioner printed below the practitioner's signature. A pharmacist shall not dispense a prescription which the pharmacist knows or should know is not a valid prescription."

"(G) The signature of the practitioner in a manner as defined in regulations promulgated by the board or, in the case of a controlled substances prescription, in accordance with 21 C.F.R. 1301.22; the name of the practitioner shall be printed below the practitioner's signature."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.